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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2008-361

11 PATRICIA ANN BARNETT aka
12 PATRICIA ANN STOECK
1100 Bridle Drive
13 Richardson, Texas 75081

A C C U S A T I O N

14 Registered Nurse License No. 688176

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs.

22 2. On or about September 5, 2006, the Board of Registered Nursing issued
23 Registered Nurse License Number 688176 to Patricia Ann Barnett aka Patricia Ann Stoeck
24 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
25 the charges brought herein and will expire on September 30, 2008, unless renewed.

26 3. Respondent holds the following nursing licenses issued by other
27 jurisdictions: a) State of Texas, RN 242491, which expires on or about August 30, 2009 and
28 b) State of Alaska, RN 26597, which expires on or about November 29, 2008.

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1 8. Section 2762 of the Code states, in part:

2 “In addition to other acts constituting unprofessional conduct within the meaning
3 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed
4 under this chapter to do any of the following:

5 ...

6 (b) Use any controlled substance as defined in Division 10 (commencing with
7 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
8 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
9 injurious to himself or herself, any other person, or the public or to the extent that such use
10 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
11 license.

12 (c) Be convicted of a criminal offense involving the prescription, consumption, or
13 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
14 or the possession of, or falsification of a record pertaining to, the substances described in
15 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
16 thereof. . . .”

17 9. Section 490 of the Code states:

18 “A board may suspend or revoke a license on the ground that the licensee has
19 been convicted of a crime, if the crime is substantially related to the qualifications, functions, or
20 duties of the business or profession for which the license was issued. A conviction within the
21 meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo
22 contendere. Any action which a board is permitted to take following the establishment of a
23 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has
24 been affirmed on appeal, or when an order granting probation is made suspending the imposition
25 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the
26 Penal Code.”

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1 beverages impaired her ability to conduct with safety to the public the practice authorized by her
2 license. The circumstances are as follows:

3 A. On or about March 22, 2007, Respondent reported one hour late for the
4 7:00 a.m. to 7:00 p.m. shift at Long Beach Memorial Hospital Medical Center, located in Long
5 Beach, California. Respondent, who was a traveler nurse employed by the On Assignment Nurse
6 Travel Agency and assigned to work at Long Beach Memorial, was scheduled to work on May
7 22nd in the Neonatal Intensive Care Unit (NICU). The NICU Clinical Operations Manager
8 observed that Respondent's gait was unsteady, her speech was slow and slurred, her pupils were
9 widely dilated and she had an odor of alcoholic beverages on her breath. The NICU manager
10 determined that Respondent was unable to safely care for patients. Respondent was sent home in
11 a taxi. Respondent was terminated by On Assignment Nurse Travel Agency due to suspicion of
12 intoxication.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Conviction of a Substantially Related Crime)**

15 14. Respondent is subject to disciplinary action under sections 2750, 2761,
16 subdivision (f), 2765 and 490 of the Code, in conjunction with California Code of Regulations,
17 title 16, section 1444, in that Respondent was convicted of a crime which is substantially related
18 to the qualifications, functions and duties of a licensed registered nurse, as follows:

19 A. On or about January 4, 2008, Respondent was convicted by the Court on
20 pleas of guilty to one misdemeanor count of violating Vehicle Code section 23152, subdivision
21 (a), (driving under the influence of alcohol), and one misdemeanor count of violating Vehicle
22 Code section 23152, subdivision (b), (driving with .08% or higher of blood alcohol), in Orange
23 County Superior Court Case No. 07WM04554, entitled *People v. Patricia S. Barnett*.
24 Respondent also admitted the allegations that, as to the above offenses, she had a blood alcohol
25 concentration of .20% or more. Respondent was placed on three years informal probation upon
26 terms and conditions of probation including completion of a 12 hour alcohol program and the
27 Mother's Against Drunk Driving Victim's Impact Panel.

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1 B. The circumstances surrounding the above convictions are that, on or about
2 March 3, 2007, Respondent was observed by a Seal Beach Police Officer driving her vehicle at 1
3 to 2 miles per hour and impeding traffic. Respondent was then observed making an illegal
4 u-turn into a parking lot. The officer determined that Respondent was so impaired that she could
5 not safely perform any field sobriety tests and Respondent was arrested for driving under the
6 influence.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Conviction Involving Alcohol)**

9 15. Respondent is subject to disciplinary action under sections 2750, 2761,
10 subdivision (a), and 2762, subdivision (c), of the Code, in that Respondent was convicted of a
11 crime involving alcohol, as more fully set forth in paragraph 14, above.

12 **FOURTH CAUSE FOR DISCIPLINE**

13 **(Violation of Act)**

14 16. Respondent is subject to disciplinary action pursuant to sections 2750 and
15 2761, subdivision (d), in that Respondent violated the provisions or terms of the Nursing Practice
16 Act, or regulations adopted pursuant to it, as more fully set forth in paragraphs 13 through 15,
17 above.

18 **PRAYER**

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein
20 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

21 1. Revoking or suspending Registered Nurse License Number 688176, issued
22 to Patricia Ann Barnett aka Patricia Ann Stoeck.

23 2. Ordering Patricia Ann Barnett to pay the Board of Registered Nursing the
24 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
25 Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: 6/18/08


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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